

Senate bill No. 179, "An act making appropriation for the payment of the expenses of the several contested election cases and special investigations before the present Legislature."

Senate bill No. 271, "An act for the relief of C. C. De Witt and other persons therein named.

H. R. LATIMER, Chairman.

On motion of Senator Rawson, the Senate adjourned to 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, May 10, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Franks, the reading of the journal of yesterday was dispensed with.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was recommitted House bill No. 48, entitled "An act regulating juries," having carefully reconsidered the same, instruct me to report it back and recommend that the Senate recede from the amendments proposed by the committee, and adopted May 1, and that the bill do pass without amendment.

JOHN L. HENRY, Chairman.

Senator Flanagan, chairman of the Committee on Internal Improvements, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 596, "An act entitled an act amendatory of and supplementary to an act entitled an act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871," have had the same under consideration, and instruct me to report it back and recommend that it do pass.

WEBSTER FLANAGAN, Chairman.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined the following bills and find them correctly engrossed:

Senate bill No. 281, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico."

Senate bill No. 259, "An act to incorporate the Fort Worth and Denver City Railway Company."

HENRY C. KING, Chairman.

Senator Tracy offered the following resolution:

Resolved, That the stenographic reporter employed by the Senate to report the proceedings in the impeachment case of The State of Texas v. J. G. Scott, Judge of the Tenth Judicial District, now pending before this body, receive as compensation for his services twenty-five dollars per day.

Senator Gaines moved to amend the resolution by striking out "twenty-five dollars" and inserting "ten dollars."

On motion of Senator Finlay, the resolution was referred to the Committee on Retrenchment and Reform by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Gaines, Latimer, Rawson, Sayers, Word and Mr. President—14.

Nays—Senators Flanagan, Fountain, Franks, Hall, Henry, King, Pyle and Tracy—8.

Senator Word offered the following resolution:

Resolved by the Senate, That from and after this day no private bills or resolutions, or business of a private character shall be considered or acted upon by this body until all the bills of a public and general character affecting the whole people of the State shall have been acted upon and disposed of.

Senator Gaines moved a suspension of the rules to consider the resolution. Lost.

Senator Tracy introduced a bill to be entitled "An act amendatory of and supplementary to an act concerning private corporations, approved December 2, 1871." Read first time and referred to Judiciary Committee No. 1.

Senator Ball introduced a bill to be entitled "An act to render valid a certain land certificate issued to Anderson M. Berry, assignee of Bartolo Flores, and to authorize the issuance of patent thereon." Read first time and referred to the Committee on Private Land Claims.

The following bills were taken from the President's desk, read first time and referred to the committees indicated :

House bill No. 586, "An act to incorporate the San Antonio and Austin Railroad Company." Referred to the Committee on Internal Improvements.

House bill No. 197, "An act to authorize the county courts of the several counties to keep up and to improve roads and bridges." Referred to Judiciary Committee No. 1.

House bill No. 481, "An act to incorporate the Defiance Hook and Ladder Company No. 1 of the city of Jefferson." Referred to the Committee on State Affairs.

House bill No. 806, "An act to prohibit the sale or giving away spirituous, vinous, malt or other intoxicating liquors within two miles of certain places therein named." Referred to the Committee on State Affairs.

Senate bill No. 336, "An act to provide for the printing of the general laws in the German and Spanish languages." Read second time.

Senator Gaines proposed to amend by inserting after "German" 1000 copies in French and 1000 copies in the Bohemian language.

Senator Fountain moved to lay the amendment on the table. Carried.

Senator Tracy proposed to amend as follows: After the word "page" insert "for each and every page."

Adopted.

Senator Tracy then proposed to amend as follows: In place of "three thousand in German," insert "two thousand." Adopted.

The hour having arrived for the special order, viz., the school bill and the veto message of the Governor, Senator Dohoney moved to postpone the same until Monday next at 9:30 o'clock A. M.

Senator Ruby moved to lay the motion on the table.

Lost by the following vote:

Yeas—Senators Baker, Ford, Fountain, Gaines, Hall, Rawson, Randle, Ruby and Tracy—9.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Flanagan, Franks, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—18.

The question recurring on the adoption of the motion offered by Senator Dohoney, the same was put and adopted by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Franks, Hall, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—20.

Nays—Senators Ford, Fountain, Gaines, Rawson, Randle, Ruby, Saylor and Tracy—8.

The consideration of Senate bill No. 336, "An act to provide for the printing of the General Laws in the German and Spanish languages," resumed.

Senator Word moved to refer the bill to the Committee on Printing.

The hour having arrived, the Senate resolved itself into a High Court of Impeachment.

High Court of Impeachment.

10 o'CLOCK A. M.

Court met pursuant to adjournment. Quorum present.

The sergeant-at-arms opened court in due form.

The secretary, by instruction, informed the managers on the part of the House of Representatives that the Court was in session and ready to receive them and proceed with the pending cause.

The managers and defendant, in person and by counsel, appeared, and were seated within the bar of the Senate.

Mr. Payne, on the part of the managers of the House of Representatives, submitted the following additional charges:

ARTICLE XI.

The House of Representatives of the State of Texas, in the name of all the people of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the July term of the District Court A. D. 1871, of the county of Henderson, in said Tenth Judicial District, did willfully, maliciously and corruptly, during the term of said court, from the bench, dismiss from the criminal docket of said court, without having any entry thereof made upon the minutes of the court, upon his motion, the criminal prosecution against one W. D. Weldon, the said Weldon having been at the said July Term of said court

duly and lawfully indicted by the grand jury of said county for perjury, and the State's witnesses, Eber Meredith and Gaston Meredith, two credible witnesses of said county, being then and there present, ready by their testimony to establish the guilt of said W. D. Weldon as charged in said indictment; and at the same time the said John G. Scott, judge as aforesaid, from the bench, told the said W. D. Weldon to go home, and that if the said Meredith or Carmichael bothered him, the said W. D. Weldon, in reference to said charge of perjury, to let him, the said John G. Scott, know, and that he, the said John G. Scott, district judge as aforesaid, would protect him, or words to that effect.

Whereby the House of Representatives do charge that the said John G. Scott, judge as aforesaid, in manner and form as aforesaid, did aid, abet and assist the said W. D. Weldon, charged with perjury as aforesaid, to escape from the custody of the law and to avoid conviction and the just punishment prescribed by the Penal Code of the State of Texas for the high crime of perjury.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that, by reason of the acts of the said John G. Scott, judge as aforesaid, the said John G. Scott is guilty of a high crime, misdemeanor and malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of district judge of the State of Texas.

ARTICLE XII.

The House of Representatives of the State of Texas, in the name of the all people of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the March, July or November term, A. D. 1871, of the District Court of the county of Henderson, in said Tenth Judicial District, did willfully, maliciously and corruptly, during one of the terms of the court as aforesaid, enter up an order on the minutes of said court investing Wm. H. Martin, Esq., a citizen of said county, with the power and control over the persons and labor of two colored boys under the age of twenty-one years, and in said order decreed that the said Martin should have the con-

trol of the persons and labor of said two colored boys, their names not being known to the managers of the House, until they arrived at the age of twenty-one years; and further ordered that said Wm. H. Martin be not required to take oath as guardian of said minors, or to give any bond and security, as required by law. Whereby the House of Representatives do charge that the said John G. Scott, judge as aforesaid, in his official capacity as aforesaid, is guilty of a false imprisonment of the said two colored boys, against the provisions of the civil rights bill of the United States of America, and also the fifteenth amendment to the Constitution thereof, and against the peace and dignity of the State of Texas.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that by reason of the acts of the said John G. Scott, judge as aforesaid, the said John G. Scott is guilty of false imprisonment, and of a high crime and misdemeanor, and of malfeasance in office, and by reason of his acts, as aforesaid, has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XIII.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge, that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in his capacity as such judge, heretofore, to-wit, at the August term, A. D. 1871, of the District Court of the county of Anderson, in the said Tenth Judicial District, did willfully, maliciously, corruptly and unlawfully, during the term of said court, enter up an order discharging the grand jury of said Anderson county, then lawfully in session, during the first week of the term of said district court, and while said grand jury was in discharge of its duties as such grand jury, and before it had completed its investigations of the criminal charges then being investigated by it, for the purpose and with the design of willfully, maliciously, corruptly and unlawfully preventing the said grand jury from finding true bills of indictment against one Thomas D. Evans, then District Attorney of the State of Texas for said Tenth Judicial District, for the crimes of embezzlement of

the moneys of the State of Texas, and of the county of Anderson, and for fraudulently and unlawfully extorting money by and under color of his said office of district attorney, from R. B. Petty, C. L. Thompson, Daniel Waggoner, Henry Fields, R. C. Parks, Jesse R. Parker, and others; and for the purpose, and with the intent and design, willfully, maliciously, corruptly and unlawfully preventing the said grand jury from finding true bills of indictment against one George D. Kelley, then and there the sheriff of said Anderson county, for the crimes of embezzlement of the moneys of the State of Texas, and of the county of Anderson, and for fraudulently and unlawfully extorting money by and under color of his said office of sheriff of said Anderson county, from certain freedmen of color, citizens of the State of Texas, whose names are not now to these managers known, but who then resided on the plantation of one Jacob Crist and one Ira Milligan, citizens of said Anderson county. Whereby, in view of the premises, the House of Representatives of the State of Texas, do charge and say, that the said John G. Scott, judge as aforesaid, in manner and form as aforesaid, did willfully, maliciously, corruptly and unlawfully prevent the said grand jury from finding true bills of indictment as aforesaid, against the said Thomas D. Evans, district attorney as aforesaid, and the said George D. Kelley, sheriff as aforesaid, for the crimes aforesaid.

Wherefore, in view of the premises, the House of Representatives of the State of Texas, do charge that the said John G. Scott, judge as aforesaid, is guilty of high crimes and misdemeanors, and of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of district judge of the State of Texas.

ARTICLE XIV.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in his official capacity as such judge, heretofore, to-wit, at the August term, A. D. 1871, of the District Court of said Anderson county, in the said Tenth Judicial District, did, during the first week of the term

of said court, and while the grand jury of said Anderson county were engaged in the lawful discharge of their duties as such grand jury, and before it had completed its investigations of the criminal charges then being investigated by it, willfully, maliciously, corruptly and unlawfully refuse to permit the said grand jury to examine the books, and papers and records of the office of the clerk of the District Court of said Anderson county and the tax assessment rolls therein filed, after said grand jury, as a body, had appeared in open court, and through their foreman asked the permission of the said John G. Scott, judge as aforesaid, to examine the same in the lawful discharge of the investigation of the criminal charges before said grand jury; and the said John G. Scott, judge as aforesaid, in open court, unmindful of his duty as such judge, did willfully, maliciously, corruptly and unlawfully refuse to permit the said grand jury to examine said books, papers, records and tax assessment rolls, and did then and there, with a loud voice, declare and say that the records of his court should not be used by said grand jury for the purpose of enabling them to indict the officers of his court, meaning thereby that the said grand jury should not use said books, papers, records and tax assessment rolls to enable them to prepare and furnish true bills of indictment against Thomas D. Evans, District Attorney of the Tenth Judicial District of the State of Texas, for the crimes of embezzlement and extortion, as mentioned and charged in Article XIII. hereof, and against George D. Kelley, sheriff of said Anderson county, for the crimes of embezzlement and extortion, as mentioned and charged in Article XIII. hereof.

Whereby the House of Representatives of the State of Texas do charge that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in his official capacity as aforesaid, and in manner and form as aforesaid, is guilty of high crimes and misdemeanors and of malfeasance in his office, and by reason of his acts as aforesaid has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XV.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and

in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in his official capacity as such judge, heretofore, to-wit, at the August term, A. D. 1871, of the District Court of Anderson county, one of the counties composing the said Tenth Judicial District of the State of Texas, in open court, while the grand jury of said Anderson county was in session, did vehemently and virulently charge N. W. Hunter, an attorney of said court, with having tampered with said grand jury for this, that because the said N. W. Hunter had furnished certain data and memoranda to said grand jury at the special instance and request of some of the members of said grand jury, that he, the said N. W. Hunter, had been guilty of a most grave and serious crime, when in fact and in truth the said N. W. Hunter had not been guilty of any crime in that behalf, but had furnished said memoranda and data in the exercise of his rightful duty as a citizen of the State of Texas, in giving information to said grand jury to enable them to perform their duty as such grand jury in the investigation of the crimes of embezzlement and extortion alleged to have been committed by Thomas D. Evans, the district attorney of the Tenth Judicial District, in the State of Texas, and by George D. Kelley, sheriff of said Anderson county. And the said John G. Scott, judge as aforesaid, unmindful of his duties as such judge, and in disregard of the legal rights and duties of the attorneys of said court, did then and there, in open court, make and proclaim in a loud voice his verbal order, that neither the said N. W. Hunter or any other attorney of his said court should directly or indirectly communicate with or give information to said grand jury, except through him, the said John G. Scott, judge of said court, on pain of fine and imprisonment; and that the said John G. Scott, judge as aforesaid, by the denunciation of the said N. W. Hunter, as aforesaid, and by the verbal order of him, the said John G. Scott, judge as aforesaid, given as aforesaid, did design and intend, then and there, and thereby willfully and maliciously, corruptly and unlawfully, to shield and protect the said Thomas D. Evans, district attorney, as aforesaid, and George D. Kelley, sheriff as aforesaid, from and against any indictments which might have been found against them by said grand jury of said court for the

crimes of embezzlement and extortion, as charged in Article XIII hereof; and by reason of the aforesaid acts, declarations and doings of the said John G. Scott, judge as aforesaid, the said John G. Scott, judge as aforesaid, did then and there, and thereby willfully, maliciously, corruptly and unlawfully prevent the said grand jury of said court from finding true bills of indictment against the said Thomas D. Evans, district attorney as aforesaid, and the said George D. Kelley, sheriff as aforesaid, for the crimes of embezzlement and extortion, under color of their said offices as such. Whereby, in view of the premises, the House of Representatives of the State of Texas do charge and say that the said John G. Scott, judge as aforesaid, is guilty of high crimes and misdemeanors in office, and of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XVI.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in his official capacity as judge of the said Tenth Judicial District, heretofore, to-wit, at the August term, A. D. 1871, of the District Court of the county of Anderson, in said judicial district, did willfully, maliciously, corruptly and fraudulently falsify the records of the District Court of said Anderson county, in said judicial district, in this, that he caused the minutes of the court to be written, and to state that the grand jury had reported that they, the said grand jury, had completed their investigation for the term, or words of like import, when, in fact and in truth, the grand jury of said court, at said term, reported in open court that they had further investigations of violations of the law to make, and when, in fact, the said grand jury had then under investigation certain charges of embezzlement, bribery and extortion against Thomas D. Evans, District Attorney for the Tenth Judicial District, and also charges of embezzlement and extortion in office against George D. Kelley, sheriff of the county of Anderson, in said Tenth Judicial Dis-

trict, whereby the said John G. Scott, judge as aforesaid, with the view and intent to protect and shield the said Thomas D. Evans, district attorney, as aforesaid, and the said George D. Kelley, sheriff, as aforesaid, from being indicted for their said crimes, and did then and there aid, abet and assist the said Thomas D. Evans, district attorney, as aforesaid, and George D. Kelley, sheriff as aforesaid, from the just punishment and penalty of the law for such crimes made and provided. Wherefore, in view of the premises, the House of Representatives of the State of Texas do charge and say that the said John G. Scott, judge, as aforesaid, is guilty of a high crime and misdemeanor and of malfeasance in office, and has, by reason of his acts, rendered himself unfit any longer to exercise the high duties of a district judge of the State of Texas.

ARTICLE XVII.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas and in the name of themselves, do charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, heretofore, to-wit, at the April term A. D. 1872, of the District Court of Anderson county, in said Tenth Judicial District, as district judge, unlawfully combined and confederated with one Thomas D. Evans, District Attorney of the said Tenth Judicial District, to cause and induce the grand jury of said term of said court to prefer and return into open court two hundred and ten bills of indictment against one William H. McClellan, then a citizen of said Anderson county, for gaming and keeping a gambling house; the said John G. Scott, judge as aforesaid, and Thomas D. Evans, district attorney as aforesaid, believing the said McClellan had about five thousand dollars in money, and unlawfully designing and intending and confederating together for the purpose of unlawfully obtaining and extorting the said money from the said McClellan, did have the said McClellan arrested by the sheriff of Anderson county, Texas, at the said term of the said court as aforesaid, to answer said two hundred and ten bills of indictment; and the said Scott and the said Evans, unlawfully combining and conspiring together to get possession of the said money, did then and there, by color of their said office, put the said McClellan

in fear of losing his liberty, by requiring the said McClellan to enter into bond or recognizance in the enormous sum of five hundred dollars in each of said two hundred and ten cases, making in the aggregate the sum of one hundred and five thousand dollars bail; accompanying said order by the verbal direction that the said McClellan should give good bail in each of said two hundred and ten cases, and that the securities should show their ability to pay the amount of the bail required in each of said cases, over and above their property exempt from forced sale by law, and over and above their other liabilities; and by making and giving his, the said Scott's, judge as aforesaid, verbal order and directions that the sheriff of said Anderson county should not take and approve the bonds and securities of the said McClellan, as he, the said sheriff, was authorized by law to do in cases of misdemeanor, but that the said McClellan should enter into bond before him, the said John G. Scott, judge as aforesaid, in open court, and in default of so doing that he, the said McClellan, should be confined in the county jail of said Anderson county, and by means of the said oppression and illegal orders, and by the imprisonment of the said McClellan, caused the said McClellan to despair of ever regaining his liberty; and whilst in the said condition of despair, and under duress, the said John G. Scott, judge as aforesaid, confederating with the said Thomas D. Evans, district attorney aforesaid, caused the said McClellan to plead guilty to seventy-five of said bills of indictment against him, being told by them that by so doing he, the said McClellan would be released from jail, and restored to his liberty, and to sign a deed of trust to his grocery and all his personal effects, to Thomas D. Evans, or agent, for the State of Texas, and to deliver the same up to the said Thomas D. Evans, district attorney, and agent as aforesaid; and that in consideration of the full surrender of all his said estate, the said McClellan was released for the time being, and allowed, as the sub-agent of the State of Texas (so-called), to resume possession of his said personal estate and grocery, to run and conduct the same in the name of the State of Texas, as sub-agent of said State as aforesaid, under the direction of the said John G. Scott, judge as aforesaid, and of the said Thomas D. Evans, district attorney as aforesaid, and to retail his

liquor for the use of the said Thomas D. Evans, district attorney as aforesaid, and the said John G. Scott, judge as aforesaid; and to make the said institution fascinating and remunerative, said John G. Scott, as Judge of the said Tenth Judicial District, did wickedly, and unmindful of the high duties of his office, advise the said McClellan, sub-agent as aforesaid, to introduce into said establishment at least six lewd and lascivious women, and that the said sub-agent did, in accordance with the instructions of the said Scott, as aforesaid, introduce into said establishment said six lewd and lascivious women, who did then and there, and in the said establishment, ply their several vocations under the direction of the said sub-agent of the State of Texas; and thereafter, to-wit, at the August term, A. D. 1872, of said court, the said institution failing to be a financial success, the said Thomas D. Evans, district attorney as aforesaid, under the directions and advice of the said John G. Scott, as Judge of the Tenth Judicial District, did cause the re-arrest and confinement in jail of the said McClellan, and under color of the said deed of trust, void as aforesaid, did sell at public auction all of the said estate of the said McClellan, and did then and there, and thereby, by color of his said office, as such district judge, extort and force from the said McClellan about the sum of nine hundred and forty dollars, only two hundred dollars of which sum was accounted for and paid into the treasury of the said county of Anderson. Whereby, in view of the premises, the House of Representatives of the State of Texas do charge and say that the said John G. Scott, Judge of the Tenth Judicial District, in manner and form as aforesaid, was and is guilty of oppression in office, and of unlawfully, and by color of his office, extorting money from said McClellan, malfeasance in office, and of a high crime and misdemeanor in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XVIII.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge that the said John G. Scott, Judge of the Tenth Judicial District of the

State of Texas, heretofore, to-wit, at the April term, A. D. 1871, of the District Court of the county of Anderson, one of the counties in said Tenth Judicial District of Texas, did willfully, maliciously, corruptly and unlawfully, without warrant of law, and without charge or accusation against one Henry Fields, a citizen of said Anderson county, in said State, falsely imprison in the county jail of said Anderson county the said Henry Fields in the county of Anderson; and the said John G. Scott, judge as aforesaid, from the bench, in open court, at the April term of said court aforesaid, in a loud voice, did verbally proclaim and order the said Henry Fields to pay to Thomas D. Evans, District Attorney of said Tenth Judicial District, the sum of one hundred dollars, or that he, the said John G. Scott, judge as aforesaid, would keep the said Henry Fields in the said county jail of said Anderson county until the said sum was paid. Whereby the said John G. Scott, judge as aforesaid, by and under color of his office, did willfully, maliciously, corruptly, and unlawfully cause the said Henry Fields to be in great fear of losing his liberty, and thereby did then and there, willfully, maliciously, corruptly and unlawfully, under color of his said office as said judge, aid, abet and assist Thomas D. Evans, district attorney as aforesaid, to extort from and compel the said Henry Fields to pay to the said Thomas D. Evans, district attorney as aforesaid, the said sum of one hundred dollars, when in fact and in truth the said Henry Fields was not indebted to the said Thomas D. Evans, district attorney as aforesaid, nor to the said John G. Scott, judge as aforesaid, and was under no legal obligation to pay either of them said sum of money as aforesaid. Whereby, in view of the premises, the House of Representatives of the State of Texas do charge that the said John G. Scott, judge as aforesaid, in manner and form as aforesaid, is guilty of false imprisonment and of aiding, abetting and assisting the said Thomas D. Evans, district attorney, in extortion by and under color of his said office as such judge, and is guilty of high crimes and misdemeanors and of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XIX.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in his capacity of judge as aforesaid, did heretofore, to-wit, at the county of Kaufman, the said county of Kaufman being one of the counties composing the said Tenth Judicial District of the State of Texas, on or about the twentieth day of October, 1871, and on divers other days before and after the said twentieth day of October, aid and abet one Thomas D. Evans, the then district attorney of the said Tenth Judicial District of the State of Texas, in collecting and unlawfully obtaining from John G. Gibbs, two hundred and forty-five dollars, which said sum of money the said John G. Gibbs did then and there owe to the said county of Kaufman, on four several final judgments on *scire facias* rendered against the said John G. Gibbs and others at the September term of the District Court of said county of Kaufman, and did then and there unlawfully, maliciously and corruptly advise, assist and encourage the said Thomas D. Evans, district attorney as aforesaid, in withholding the said two hundred and forty-five dollars from the treasury of the said county of Kaufman, and did then and there, in his capacity as judge as aforesaid, unlawfully, maliciously and corruptly aid and abet the said Thomas D. Evans, district attorney as aforesaid, in embezzling the said two hundred and forty-five dollars. Wherefore the House of Representatives of the State of Texas, in view of the premises do charge that by reason of the acts and deeds of the said John G. Scott, in manner and form as aforesaid, he, the said John G. Scott, judge as aforesaid, in his capacity as aforesaid, was and is guilty of unlawfully, maliciously and corruptly aiding and abetting the said Thomas D. Evans, district attorney as aforesaid, in embezzling the aforesaid two hundred and forty-five dollars, and was then and there and thereby guilty of malfeasance in office and of a high crime and misdemeanor in office, and by reason of the premises did then and there render himself unfit any longer to exercise the duties of district judge of the State of Texas.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The committee of managers on the part of the House on the impeachment of Judge John G. Scott, Judge of the Tenth Judicial District, here now present and exhibit additional articles of impeachment against said John G. Scott, and recommend the passage of the following resolution.

JOHN IRELAND, Chairman.

Resolved by the House of Representatives, That the following nineteen additional articles of impeachment against John G. Scott, Judge of the Tenth Judicial District, be and are hereby adopted and preferred, and that said managers be and are hereby instructed to proceed to the High Court of Impeachment and exhibit and prefer the same against said Scott, said articles being hereto attached as a part hereof, marked A.

HOUSE OF REPRESENTATIVES, {
May 9, 1873. }

The foregoing resolution was this day adopted by the House of Representatives.

W. C. WALSH,
Chief Clerk House of Representatives.

Approved:

M. D. K. TAYLOR,

Speaker House of Representatives.

Objection being made by the defense to the filing of the additional articles, the court retired to consider the same, and returned to chambers, and Senator Dohoney submitted the following order, which was adopted by the vote following the same:

Ordered, that the managers have leave of the court to file the additional articles of impeachment this morning presented.

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—14.

Nays—Senators Baker, Cole, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Saylor and Tracy—13.

Senator Finlay submitted the following order:

Ordered, that the cause of the House of Representatives in behalf of all the people of the State of Texas against John G. Scott, Judge of the Tenth Judicial Dis-

trict of the State, be and the same is continued, to be resumed again on Thursday, the fifth day of February, A. D. 1874, at 12 o'clock noon.

Ordered further, that this court do now adjourn.

The vote upon the adoption of the motion was as follows:

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—14.

Nays—Senators Baker, Cole, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor and Tracy—14.

The Chair decided that under the rules and usage of the Senate a tie vote carried a motion to adjourn, and that the court stood adjourned and cause continued to the fifth day of February, A. D. 1874, at 12 o'clock M.

In Senate.

Senator Flanagan gave notice of protest against the ruling of the President declaring this court of impeachment adjourned, it being an affirmative proposition, and the vote standing 14 yeas 14 nays.

On motion the Senate adjourned until 9 o'clock A. M. Monday.

SENATE CHAMBER,
AUSTIN, TEXAS, May 12, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Dr. Dodge.

Senator Gaines moved that the reading of the journal of last Saturday be dispensed with. Lost.

The journal was read and adopted.

Senator Shelley in the chair.

The hour having arrived for the consideration of the special order, viz., the School bill and veto message, Senator Dohoney moved to postpone the same until tomorrow at 9:30 o'clock A. M.

The yeas and nays were called upon the motion.

Senator Ball came within the bar of the Senate after the roll had been called, and asked leave to vote upon the proposition, stating that he was without the bar of the